

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission
RAIL SAFETY SECTION

JAN 11 2007

5. Respondent admits the allegations contained in paragraph 5. of the Petition.

6. Respondent admits the allegations of paragraph 6. except that it denies that the vehicular count averages fewer than 25 cars per day by reason of the fact that an official count was done by Macoupin County for Illinois Department of Transportation in the year 2005 and the official count is 75 vehicles a day, per Exhibit "1" attached hereto and expressly made a part hereof, and further denies that few trucks use said road and in fact states that many trucks use the road, particularly during the farming season.

7. Respondent admits the allegations contained in paragraph 7. of the Petition.

8. Respondent admits the allegations contained in paragraph 8. of the Petition.

9. Respondent has insufficient information in which to either admit or deny the Petitioner's annual maintenance cost, further answering that the Petitioner has not spent any money over the last 10 years maintaining said crossing, admits that the responsibility for maintaining the approach lies with Nilwood Township and in further answering states that due to the aforesaid there is no financial hardship on Petitioner to keep said crossing open to the public.

10.(a) Respondent admits the allegations of paragraph 10., except to state that Old Route 4 is not maintained by Girard

Township but is maintained by Illinois Department of Transportation. In addition, Respondent states that the Old Route 4 crossing has an estimated daily traffic count of approximately 100 vehicles per day, not 275 vehicles as alleged by Petitioner.

10.(b) Respondent admits the allegations of paragraph 10.(b) other than to state that Morean Street, also known as Waggoner Road, is not maintained by Nilwood Township but is rather maintained by Illinois Department of Transportation.

11. Respondent admits the allegations contained in paragraph 11. of the Petition.

12. Respondent admits the allegations contained in paragraph 12. of the Petition.

13. Respondent admits the allegations contained in paragraph 13. of the Petition.

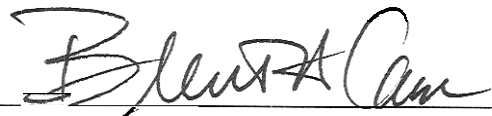
14. Respondent denies the allegations contained in paragraph 14. of the Petition, and in further answering states that the public will be inconvenienced, particularly those in the agricultural business when farming operations are being conducted.

15. In further answering Respondent represents that this particular crossing was earmarked under the Crossing Safety Improvement Program under fiscal year 2001-2005 for an upgrade of lights, gates, surface and approaches for \$243,000.00 and same has yet to be accomplished, a copy of said Program Report being

attached hereto and expressly made a part hereof as Exhibit "2", and Respondent believes that Petitioner desires to close said crossing in order to avoid the expenditures noted herein.

WHEREFORE, Respondent prays that the Commission deny the Petition for Closure and for such other and further relief as is appropriate.

NILWOOD TOWNSHIP, Respondent

By: 
BRENT A. CAIN
Assistant State's Attorney
Macoupin County

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Mapping Zoom To Area

Click on categories below.

Winter Road Conditions

Road Construction

Boundaries

Reads

Average Daily Traffic Counts

4500 ☒ Avg. Annual Daily Traffic

4500 ☐ Truck Count

Statewide Traffic Maps

Glossary

For the Record

Annual Program

Multi - Year Program

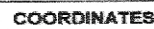
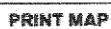
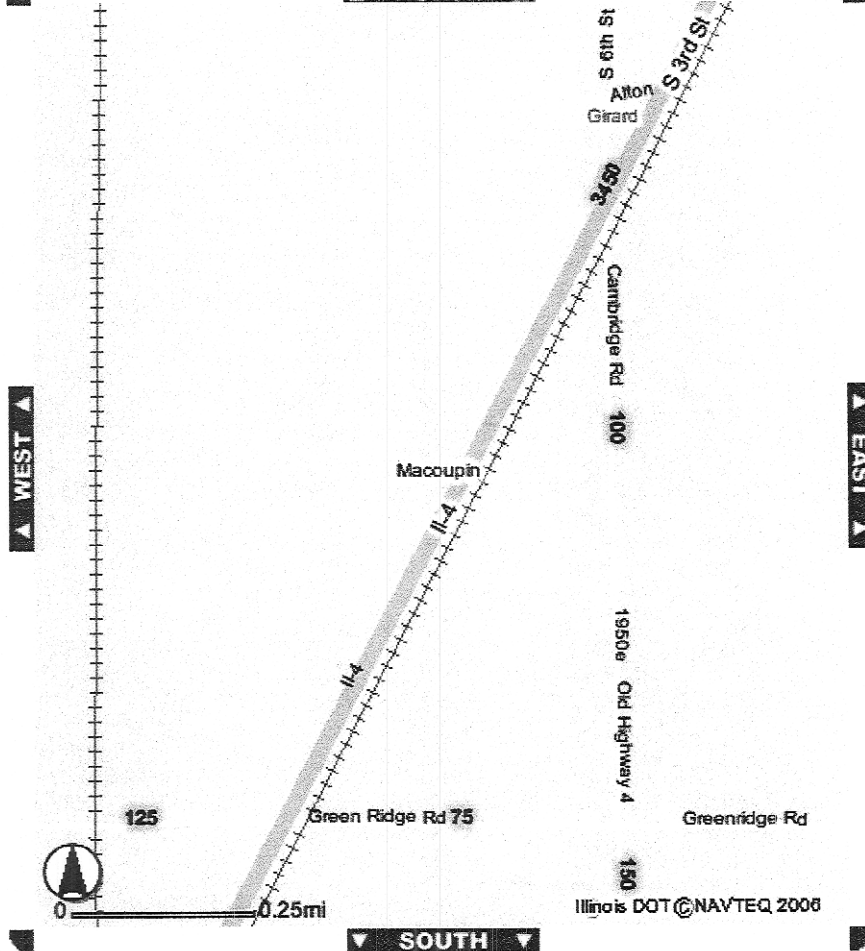
IDOT Information

Family Health & Safety

Education & Career Development

Travel & Recreation

Illinois Government



Illinois Department
of Transportation



Sponsor of the 2005-2006 Official Illinois state Highway Map

Disclaimer
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764
contact

CROSSING SAFETY IMPROVEMENT PROGRAM

FY 2001-2005

PROPOSED GRADE CROSSING PROTECTION FUND
PROJECTS FOR LOCAL ROADS AND STREETS

ILLINOIS COMMERCE COMMISSION
APRIL, 2000

Appendix 2
FY 2002 - 2005 Projects by County

DOT#	RR	County	City	Location	Description of Improvement	Total Cost
260465C	EJE	Lake	Waukegan	Madison St.	Modification of Track Circuits	170,000
260466L	EJE	Lake	Waukegan	N. Water St.	Modification of Track Circuits	170,000
290759U	UP	Livingston	Pontiac	Reynolds Street	Automatic Flashing Light Signals and Gates	150,000
004488G	BNSF	Livingston	Streator	Livingston Road	Modification of Track Circuits	150,000
004500L	BNSF	Livingston	Streator	TR35	Modification of Track Circuits	150,000
004502A	BNSF	Livingston	Streator	FAS355	Modification of Track Circuits	150,000
294372D	UP	Macoupin	Girard	Greenridge Rd	AFLS/G, surface, approaches	243,000
480074P	NS	Macoupin	Mount Olive	3rd North Street	Automatic Flashing Light Signals and Gates	150,000
480075W	NS	Macoupin	Mount Olive	Main Street	Automatic Flashing Light Signals and Gates	130,000
480076D	NS	Macoupin	Mount Olive	2nd South Street	Automatic Flashing Light Signals and Gates	130,000
480078S	NS	Macoupin	Mount Olive	Poplar Street	Automatic Flashing Light Signals and Gates	150,000
480079Y	NS	Macoupin	Mount Olive	8th South Street	Automatic Flashing Light Signals and Gates	150,000
480084V	NS	Macoupin	Mount Olive	TR457	Automatic Flashing Light Signals and Gates	150,000
480077K	NS	Macoupin	Mount Olive	3rd South Street	Close Crossing	5,000
072280C	BNSF	Macoupin	Viriden	FAS2731	Modification of Track Circuits	150,000
078524E	BNSF	Macoupin	Viriden	FAS731	Modification of Track Circuits	150,000
093700M	BNSF	Macoupin	Viriden	FAS2731	Modification of Track Circuits	150,000
294530B	GWWR	Madison	Godfrey	Montclair	Automatic Flashing Light Signals and Gates	180,000
295310J	IC	Marion	Salem	Woodard School Road	Automatic Flashing Light Signals and Gates; Close Crossing	150,000
294991K	IC	Marion	Centralia	Broadway	Modification of Track Circuits	100,000
294993Y	IC	Marion	Centralia	S. Cherry	Modification of Track Circuits	100,000
295326F	IC	Marion	Junction City	301A	Modification of Track Circuits	100,000
309277F	IC	Marion	Centralia	Calumet	Modification of Track Circuits	100,000
072890K	BNSF	McDonough	Macomb	Jackson	Automatic Flashing Light Signals and Gates	180,000
072894M	BNSF	McDonough	Macomb	McArthur	Automatic Flashing Light Signals and Gates	180,000
072887C	BNSF	McDonough	Macomb	TR200	Automatic Flashing Light Signals and Gates	150,000
072596M	BNSF	McDonough	Tennessee	TR118	Automatic Flashing Light Signals and Gates	150,000
177002E	UP	McHenry	Harvard	Deep Cut Rd	Grade Separation: Reconstruct	879,000
072296Y	BNSF	Montgomery	Litchfield	Tyler Avenue	Automatic Flashing Light Signals and Gates	180,000
542144B	UP	Montgomery	Nokomis	Maple	Automatic Flashing Light Signals and Gates	170,000
542145H	UP	Montgomery	Nokomis	Spruce	Automatic Flashing Light Signals and Gates	170,000
542146P	UP	Montgomery	Nokomis	Vine	Automatic Flashing Light Signals and Gates	170,000
542147W	UP	Montgomery	Nokomis	Cedar	Automatic Flashing Light Signals and Gates	170,000

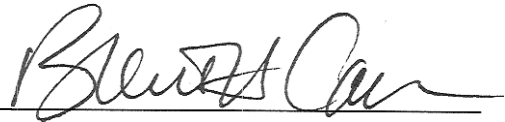
PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record by enclosing the same in an envelope addressed as follows:

Dave Lazarides
Program Manager
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Roy P. Farwell
100 North Broadway, Ste 1500
St. Louis, MO 63102

Said envelope, addressed as set out above, containing a copy of the foregoing instrument was deposited in the U.S. Post Office Mail Box in the City of Carlinville, Illinois, with postage fully prepaid on the 10th day of JAN, 2007.



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